

UNITED STATES DISTRICT COURT  
IN THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROBERT PHILLIPS,

Case No.

*Plaintiff,*

Hon.

v.

TRICAM INDUSTRIES, INC.,  
a Minnesota corporation,

*Defendant.*

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P.W. MATTHEWS, PLLC  
Philip Matthews (P53649)  
Attorney for Plaintiff  
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(313) 492-0991  
[pmlaw@wowway.com](mailto:pmlaw@wowway.com)

MCVEY & PARSKY, LLC  
PAUL KAULAS  
Co-Counsel for Defendant  
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[pvk@mcveyparsky-law.com](mailto:pvk@mcveyparsky-law.com)

PLUNKETT COONEY  
EDWARD J. HIGGINS (P46143)  
Attorney for Defendant  
150 West Jefferson, Suite 800  
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(313) 983-4919  
[ehiggins@plunkettcooney.com](mailto:ehiggins@plunkettcooney.com)

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**NOTICE OF REMOVAL OF CAUSE TO THE  
UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION**

**VERIFICATION**

**PROOF OF SERVICE**

UNITED STATES DISTRICT COURT  
IN THE WESTERN DISTRICT OF MICHIGAN  
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**NOTICE OF FILING NOTICE OF REMOVAL**

TO: Philip Matthews, Esq.  
P.W. Matthews, PLLC  
Attorneys for Plaintiff

Clerk of the Court  
Lenawee County Circuit Court

**PLEASE TAKE NOTICE** that Defendant Tricam Industries, Inc., by and through its attorneys, Plunkett Cooney and McVey & Parsky, LLC has this day filed its Notice of

Removal, copies of which are attached hereto, in the offices of the Clerk of the United States District Court for the Western District of Michigan.

By: /s/Edward J. Higgins  
PLUNKETT COONEY  
Attorney for Defendant  
150 West Jefferson, Suite 800  
Detroit, MI 48226  
Direct Dial: (313) 983-4919  
[ehiggins@plunkettcooney.com](mailto:ehiggins@plunkettcooney.com)  
P46143

DATED: March 11, 2019

UNITED STATES DISTRICT COURT  
IN THE WESTERN DISTRICT OF MICHIGAN  
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ROBERT PHILLIPS,

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PAUL KAULAS  
Co-Counsel for Defendant  
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**NOTICE OF REMOVAL OF CAUSE TO THE  
UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION**

TO: The United States District Court for the Western District of Michigan  
Judges of the Above Court

Defendant Tricam Industries, Inc., by and through its attorneys, Plunkett Cooney  
and McVey & Parsky, LLC, pursuant to 28 U.S.C.A. §1332, 1441 and 1446, hereby files this

Notice of Removal of the above-captioned matter to the United States District Court for the Western District of Michigan, from the Manistee County Circuit Court where the action is now pending and states as follows:

1. The above-captioned matter was filed in Manistee County Circuit Court on or about February 11, 2019, and is now pending in that court.

2. Defendant first received a copy of the Summons and Complaint in this matter on February 18, 2019.

3. The above-captioned matter is a suit at common law of a civil nature brought by the Plaintiff, Robert Phillips, in which the Plaintiff seeks to recover damages for personal injuries alleged to have been suffered on or about July 5, 2018, as a result of Defendant's alleged negligence, breach of implied warranty and breach of express warranty.

4. The above-captioned matter involves a controversy which is wholly between citizens of different states in that, at the time of the commencement of this action in Manistee County Circuit Court, Plaintiff was a citizen of the State of Michigan, and Defendant Tricam Industries, Inc. was and still is incorporated under the laws of the State of Minnesota, and having its principal place of business in the State of Minnesota. Defendant is not a citizen of the state in which the above-captioned matter was filed.

5. This action is one over which the District Courts of the United States are given original jurisdiction.

6. The time within which Defendant is required to file this Notice of Removal in order to remove this action to this Court has not yet expired.

7. As appears from the allegations contained in Plaintiffs' Complaint, Plaintiffs seek to recover money damages for injuries including a fractured left elbow, pain and suffering, medical expenses and loss of income.

8. Based upon the allegations in Plaintiff's Complaint, it is believed that the amount in controversy in this action is in excess of \$75,000, exclusive of interest and costs in this matter. Furthermore, Plaintiff's attorney has issued a settlement demand to Defendant that is substantially in excess of \$75,000.

9. Pursuant to 28 U.S.C. §1446(a), Defendant files with this notice a copy of all process, pleadings and orders served upon Defendant in this action **(Exhibit A, Summons and Complaint)**.

10. This action is removable to this Court under and by virtue of the acts of Congress of the United States.

11. Defendant has served written notice of the filing of this notice as required by 28 U.S.C. § 1446(d).

12. A copy of this notice will be filed with the Clerk of the Manistee County Circuit Court as required by 28 U.S.C. § 1446(d).

**WHEREFORE**, Defendant Tricam Industries, Inc., requests that this action proceed in this Court as an action properly removed.

By: /s/Edward J. Higgins  
PLUNKETT COONEY  
Attorney for Defendant  
150 West Jefferson, Suite 800  
Detroit, MI 48226  
Direct Dial: (313) 983-4919  
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Case No.

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**VERIFICATION**

Edward J. Higgins, being first duly sworn, deposes and says that he is the Attorney for Tricam Industries, Inc., and that the foregoing Notice of Removal is true in substance and in fact to the best of his knowledge, information and belief.

By: /s/Edward J. Higgins  
PLUNKETT COONEY  
Attorney for Defendant  
150 West Jefferson, Suite 800  
Detroit, MI 48226  
Direct Dial: (313) 983-4919  
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**PROOF OF SERVICE**

The undersigned certifies that on the 11th day of March, 2019, a copy of the foregoing document was served upon the attorney(s) of record in this matter at their stated business address as disclosed by the records herein via:

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Hand delivery

U.S. Mail

Email

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

Overnight mail

Facsimile

**Electronic E-File**

I declare under the penalty of perjury that the foregoing statement is true to the best of my information, knowledge and belief.

/s/Della Dubovskyl